

ZB# 06-12

Norman Vitale

53-3-4

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted - April 10, 2006

06-12

Noeman Vitale (Area)
3 Shaw Rd.

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 53-3-4

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

NORMAN VITALE

AREA

CASE # (06-12)

WHEREAS, Norman Vitale , owner(s) of 3 Shaw Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 12 ft. Front Yard Setback for proposed addition on a corner lot at 3 Shaw Road in an R-1 Zone (53-3-4)

WHEREAS, a public hearing was held on April 10, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties in an R-1 zone.
 - (b) The applicant seeks to construct an addition on an existing dwelling.
 - (c) The residence has been in existence since approximately 1874.
 - (d) There is an existing porch on the dwelling which dates back to the early 1900's but, the applicant seeks to construct past this structure.

- (e) In constructing the addition, the applicant will not remove any trees or substantial vegetation.
- (f) In building the addition the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (g) In building the addition the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (h) The house with the addition, if permitted, will not be any larger than other houses in the neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

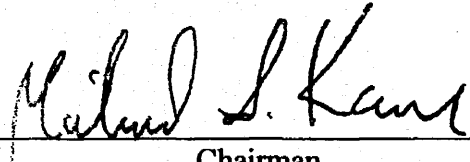
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 12 ft. Front Yard Setback for proposed addition on a corner lot at 3 Shaw Road in an R-1 Zone (53-3-4) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: April 10, 2006

A handwritten signature in cursive script, reading "Michael S. Kane", is written over a horizontal line.

Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: January 20, 2006

**APPLICANT: Norman J. Vitale
3 Shaw Road
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/18/06

FOR : Addition

LOCATED AT: 3 Shaw Road

ZONE: R-1 Sec/Blk/ Lot: 53-3-4

DESCRIPTION OF EXISTING SITE: One family house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed addition will not meet minimum 45ft. front yard set-back. This is a corner lot.**

COPY


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-1 USE: Bulk Tables E-5			
MIN LOT AREA:			
MIN LOT WIDTH:			
REQ'D FRONT YD:	45'	33'	12'
REQ'D SIDE YD:			
REQ'D TOTAL SIDE TD:			
REQ'D REAR YD:			
REQ'D FRONTAGE:			
MAX BLDG HT:			
FLOOR AREA RATIO:			
MIN LIVABLE AREA:			
DEV COVERAGE:			

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

I MUST CALL FOR ALL REQUIRED INSPECTIONS OF OR REACTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

JAN 18 2006

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection tubes.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percol test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2006-35

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Norman J. Vitale

Address 3 Shaw Road

Phone # 845-496-2703

Mailing Address _____

Fax # _____

Name of Architect Eric Osborne

Address 7 Tanya Plaza Step 1 Point

Phone W-947-7900
496-9000
H-496-9000

Name of Contractor _____

Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer _____

(Name and title of corporate officer)

1. On what street is property located? On the West side of Bell Rd
(N, S, E or W)
and 0 feet from the intersection of Shaw Rd.
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y N V
3. Tax Map Description: Section 53 Block 3 Lot 4
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy residential b. Intended use and occupancy residential
5. Nature of work (check if applicable) ☐ New Bldg. ☒ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? yes
7. Dimensions of entire new construction. Front 16 Rear _____ Depth 12 Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
- Number of bedrooms 3 Baths 1 3/4 Toilets 2 Heating Plant: Gas Oil V
Electric/Hot Air _____ Hot Water V If Garage, number of cars detached 2
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____

ZONING BOARD

Fee \$50-

CH#2610

PAID

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krychew
New Windsor Town Hall
855 Union Avenue
New Windsor, New York 12553
(845) 583-4818
(845) 583-4886 FAX

Site Map Examined _____
File Map Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)

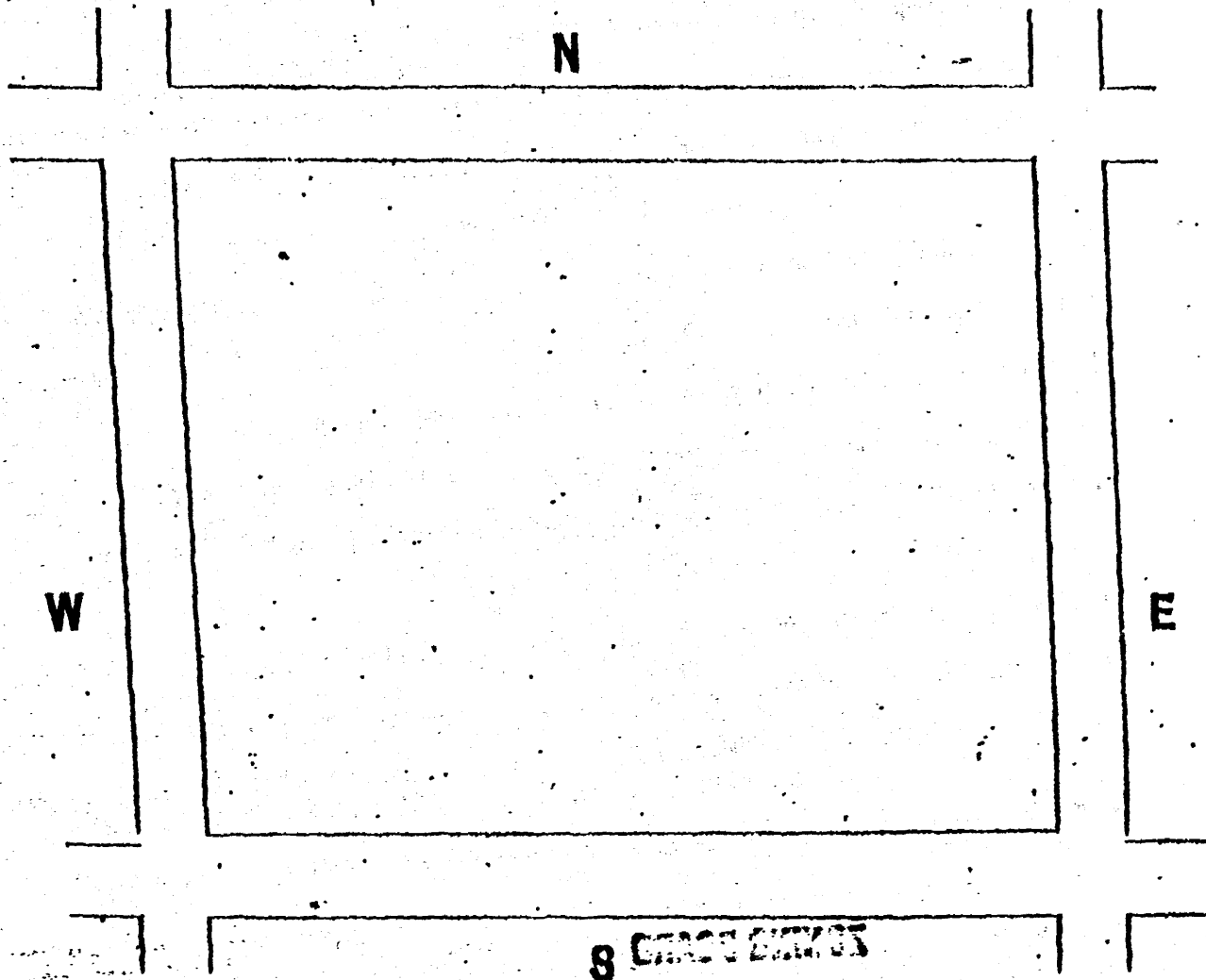

(Address of Applicant)


(Owner's Signature)


(Owner's Address)

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

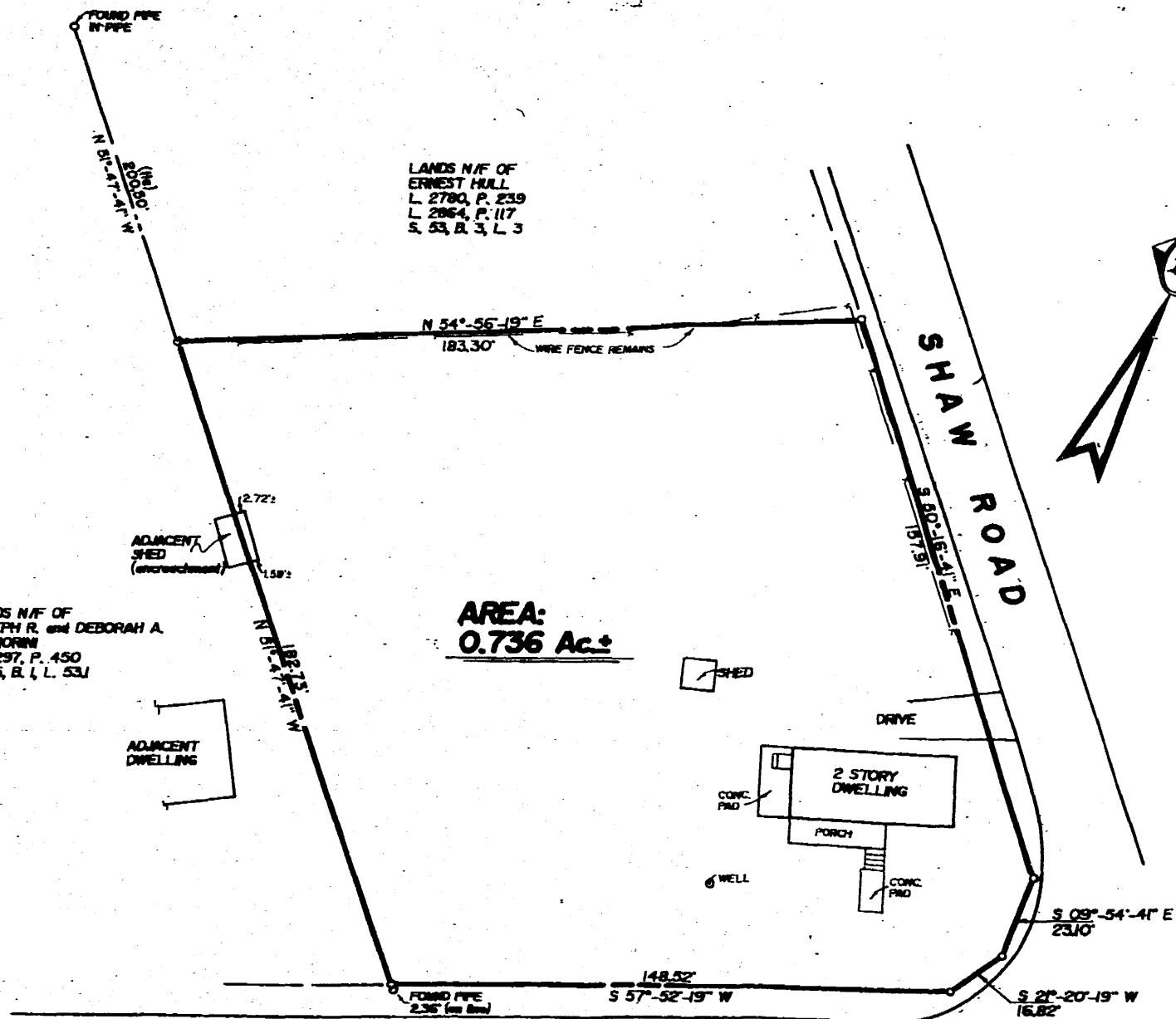


PLEASE ALLOW TIME TO PROCESS
IMPORTANT

LANDS N/F OF
JOSEPH R. and DEBORAH A.
MIGLIORINI
L. 2297, P. 450
S. 55, B. 1, L. 531

LANDS N/F OF
ERNEST HULL
L. 2780, P. 239
L. 2864, P. 117
S. 53, B. 3, L. 3

AREA:
0.736 Ac.±



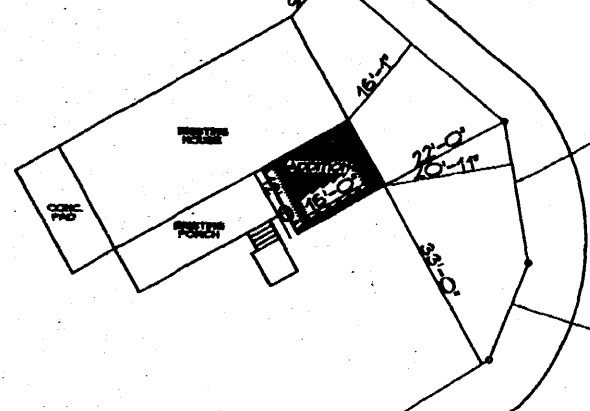
SHAW ROAD

S 50° 16' 41" E

157.91'

N 54° 56' 19" E

183.30'



S 9° 54' 41" E
23.10'

S 21° 20' 19" W
16.82'

BULL ROAD

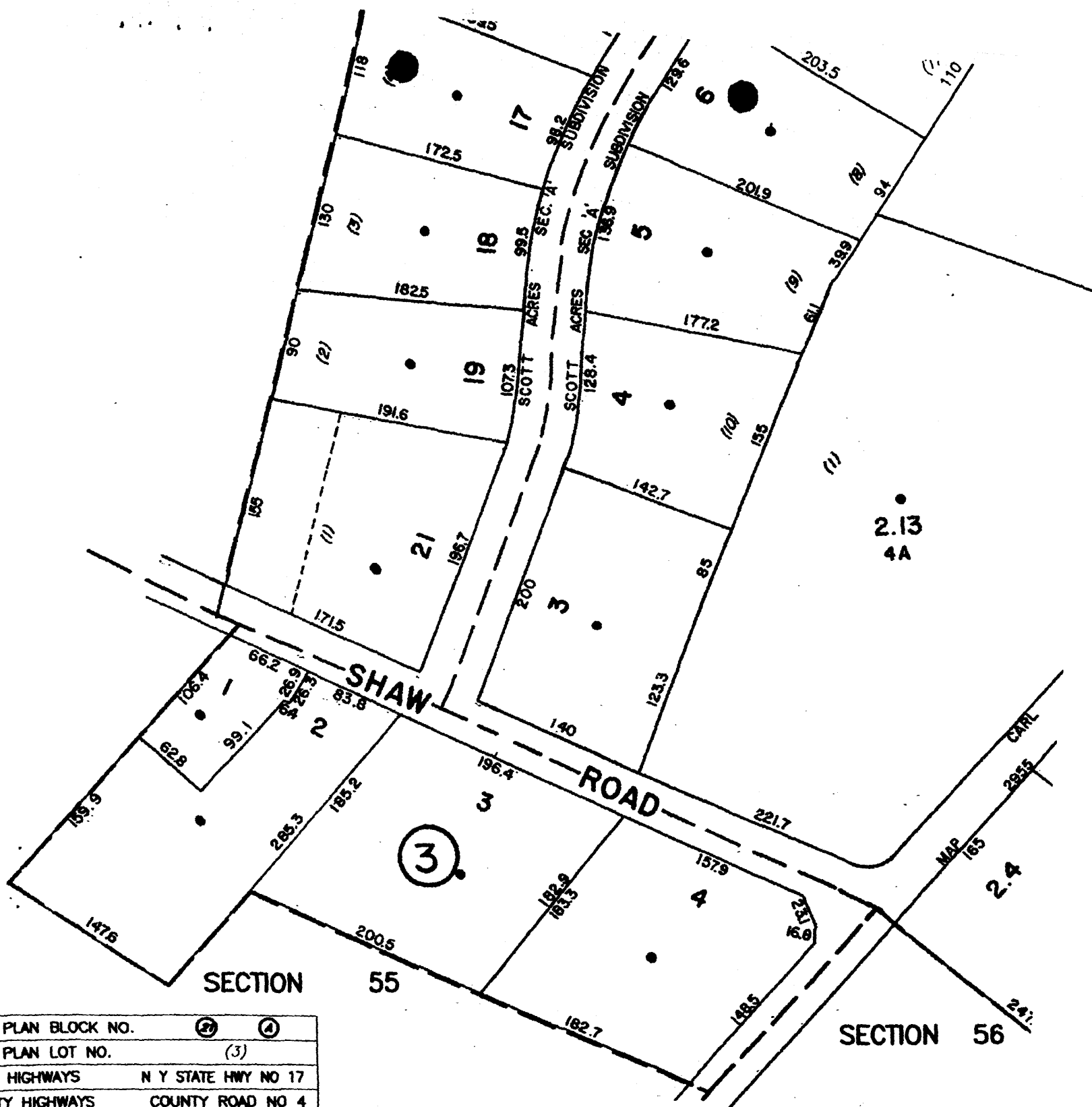
S 57° 52' 19" W

148.52'

N 57° 47' 41" W

182.73'

SEC.53 BLK.#3 LOT#4

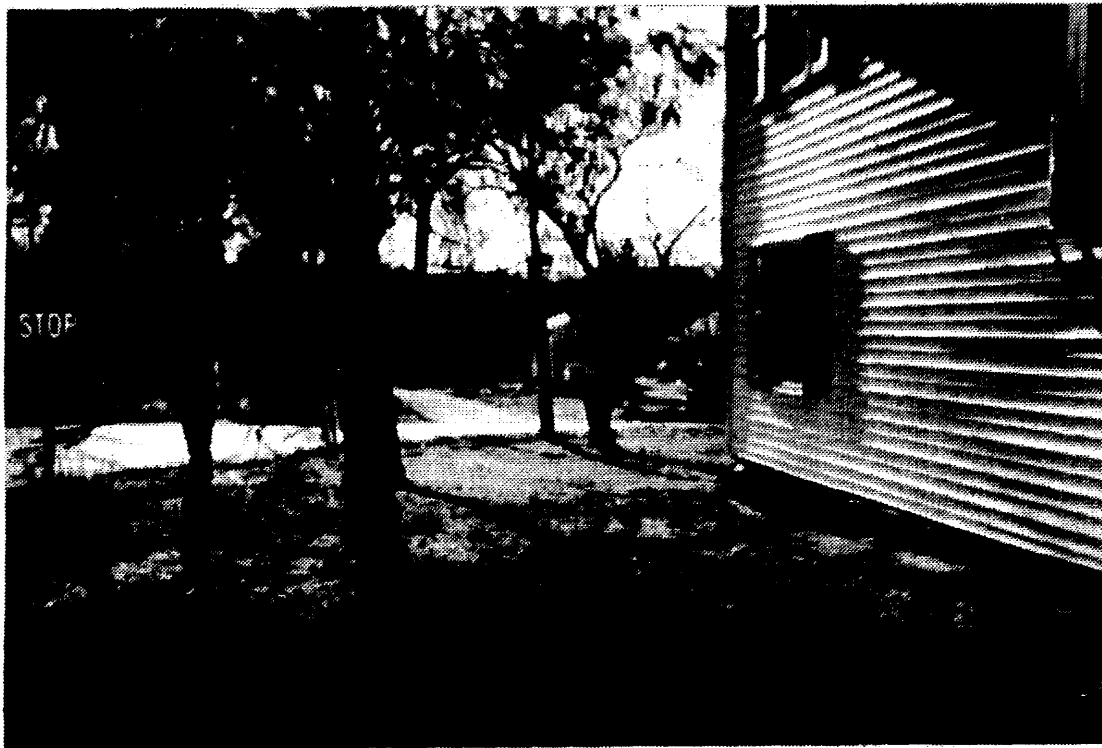
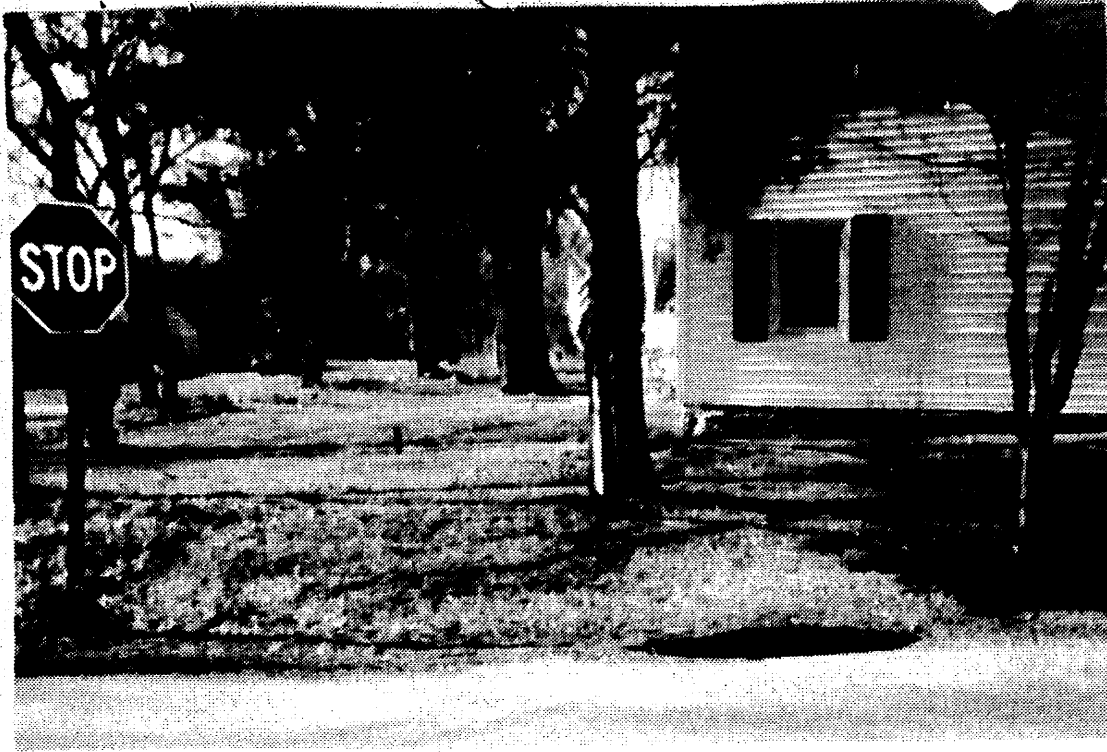


ED FOR COMMERCIAL PURPOSES
 PURPOSES ONLY
 ED FOR CONVEYANCE

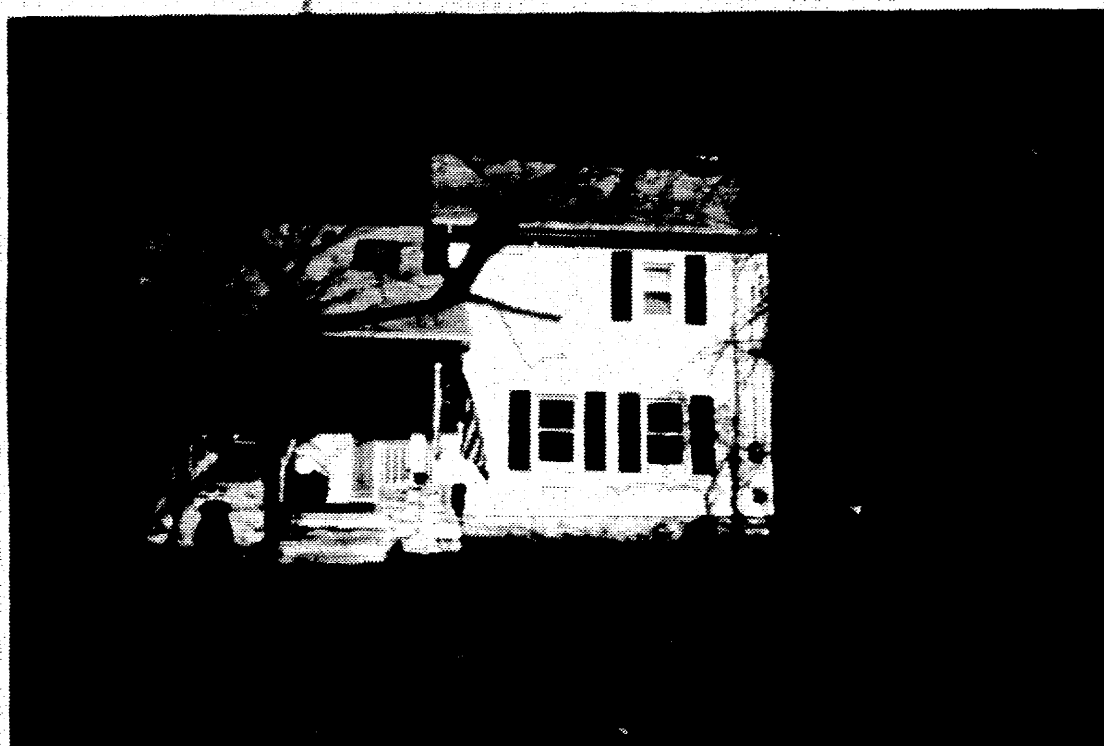
ORANGE CC

Date of Map _____ 9-

Scale _____









**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 7/20/06
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 158.89 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-12

NAME & ADDRESS:

**Norman Vitale
3 Shaw Road
Rock Tavern, NY 12575**

THANK YOU,

MYRA

L.R. 7/20/06



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #06-12 TYPE: AREA TELEPHONE: 496-2703

APPLICANT:

Norman Vitale
3 Shaw Road
Rock Tavern, NY 12575

RESIDENTIAL:	\$ 50.00	CHECK # <u>2661</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 2620



<u>DISBURSEMENTS:</u>		MINUTES <u>\$7.00 / PAGE</u>	ATTORNEY <u>FEE</u>
-----------------------	--	---------------------------------	------------------------

PRELIMINARY:	<u>4</u>	PAGES	<u>\$28.00</u>	<u>\$35.00</u>
2 ND PRELIMINARY:	—	PAGES	<u>\$</u>	<u>\$</u>
PUBLIC HEARING:	<u>4</u>	PAGES	<u>\$28.00</u>	<u>\$35.00</u>
PUBLIC HEARING:	—	PAGES	<u>\$</u>	<u>\$</u>

LEGAL AD: Publish Date: 3/28/06 \$15.11

TOTAL:	<u>\$71.11</u>	<u>\$70.00</u>
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ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$141.11

AMOUNT DUE: \$

REFUND DUE: \$158.89

Cc:

L.R. 7/20/06



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
4/24/2006	7570

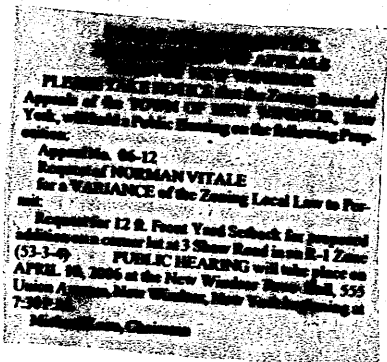
Bill To

TOWN OF NEW WINDSOR
555 UNION AVE
NEW WINDSOR, NY 12553

P.O. No.	Terms	Project
44355	Due on receipt	

Issue Date	Description	PCS/Units	Amount
3/28/2006	LEGAL ADS: APPEAL NO. 06-12 2 AFFIDAVITS	7.11 8.00	7.11 8.00
Total			\$15.11

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845)
562-1218



State of New York
County of Orange, ss:
Lucas Ladlee being duly
sworn disposes and says that he is The
Supervisor of Legal Dept. of the E.W. Smith
Publishing Company; Inc. Publisher of The
Sentinel, a weekly newspaper published and
of general circulation in the Town of New
Windsor, Town of Newburgh and City of
Newburgh and that the notice of which the
annexed is a true copy was published 1 X
in said newspaper, commencing on
the 28 day of Mar. A.D., 2006
and ending on the 28 day of Mar.
A.D. 2006

Lucas W. Ladlee

Subscribed and shown to before me
this 25th day of April, 2006

Deborah Green

Notary Public of the State of New York
County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4934055
Commission Expires July 15, 2007

My commission expires _____

NORMAL_VITALE_(06-12)

Mr. and Mrs. Norman Vitale appeared before the board for this proposal.

MR. KANE: Request for 12 ft. front yard setback for proposed addition on a corner lot at 3 Shaw Road. Tell us what you want to do.

MR. VITALE: We're looking to recreate an addition on our house, two story addition coming out 12 feet, 16 feet wide, bottom floor would be a den and top floor would be, would create a larger bedroom.

MR. LUNDSTROM: Structure is currently two stories?

MR. VITALE: Yes.

MR. KANE: Can you show me on this picture here what's the front of your house?

MR. VITALE: This is the front.

MS. GANN: So the proposed addition is on the side, is it bumping out, is that what it's doing?

MR. VITALE: No.

MS. GANN: If I look at this picture--

MRS. VITALE: It's coming out right this way.

MR. KANE: Is this little square right here, is that it?

MR. VITALE: It's a concrete pad.

MR. KANE: So this is currently the front of your house right here?

MR. VITALE: Yes.

MR. KANE: The extension is going to go passed the front of the house?

MR. VITALE: Passed the porch, this is a covered porch.

MR. KANE: Okay, and that's where we need the 12 foot front yard setback?

MR. BABCOCK: Yes.

MR. LUNDSTROM: Normally the setback there would be what, Mike?

MR. BABCOCK: In today's world, it's 45 feet but not when this house was built.

MR. KANE: When was it built?

MR. VITALE: 1874.

MR. KANE: Because I was wondering on the nine foot.

MR. LUNDSTROM: Mike, the fact that there's an existing porch there which seems to encroach somewhat upon that 45 feet does that come into play?

MR. BABCOCK: The existing porch is existing from 1900's or whenever, the steps down with the little patio that would be exempt from the setback, so they're going out beyond the existing porch and that's the reason they're here tonight.

MR. KANE: Okay, cutting down any trees, substantial vegetation in the building of the addition?

MR. VITALE: We removed some trees in the front of the yard.

MR. KANE: Create any water hazards or runoffs?

MR. VITALE: No.

MR. KANE: Will the addition go over any type of easements?

MR. VITALE: No.

MR. KRIEGER: The trees that you removed, did that assist the vision of motorists on the adjacent roadways to make it safer?

MR. VITALE: Oh, yeah.

MRS. VITALE: That's why we did it.

MR. KANE: And the addition going on the house will keep your home similar in size and nature to other homes that are in your neighborhood?

MR. VITALE: Yes.

MR. KRIEGER: How big is the piece of property you're on?

MR. VITALE: Three quarters of an acre, I think it's .67.

MR. KANE: At this point, I will open the public portion of the hearing and ask if anybody's here for this particular hearing? Nobody cares. We'll close the public portion of the hearing, bring it back to Myra, how many mailings?

MS. MASON: On March 24, I mailed out 30 envelopes and had no response.

MR. KANE: I have no further questions. Does anybody on the board have any further questions? I'll accept a

April 10, 2006

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motion.

MS. GANN: I will offer a motion that we grant Norman Vitale's request for 12 foot front yard setback for proposed addition on corner lot at 3 Shaw Road in an R-1 zone.

MR. TORPEY: Second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

March 13, 2006

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NORMAN_VITALE_(06-12)

MS. GANN: Request for 12 ft. front yard setback for proposed addition on a corner lot at 3 Shaw Road in an R-1 zone.

Mr. and Mrs. Norman Vitale appeared before the board for this proposal.

MS. GANN: Please tell us why you're here.

MRS. VITALE: Hello, good evening, my name is Kim Vitale.

MR. VITALE: Norman Vitale. We're here to request a 12 foot variance to create a two story addition of the, off the front of the home, would like to create a 12 x 16 addition which would be a den on the first floor and second story bedroom which will accommodate the size of our family which now includes triplets.

MR. LUNDSTROM: I didn't hear the last part of the comment.

MR. VITALE: To increase the size of the bedrooms which now includes the birth of our triplets, 14 month old triplets, we ran out of room.

MR. LUNDSTROM: I thought there was something significant in that comment, okay.

MS. GANN: This new additional will it be similar in size to other homes in the area? Will it fit in with the other homes in the area?

MR. VITALE: Yes.

MS. GANN: Taking out any substantial vegetation?

MR. VITALE: We had a large number of trees just

March 13, 2006

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removed, there were three walnuts on the corner.

MS. GANN: These here?

MR. VITALE: Yeah, cedar on the side.

MRS. VITALE: It was basically to help the visibility coming around the corner.

MS. LOCEY: Do you anticipate the removal of the trees would cause any drainage or water problems?

MR. VITALE: No.

MS. GANN: Going over any easements that you know of?

MR. VITALE: No.

MS. GANN: Any other questions?

MS. LOCEY: This is a corner lot?

MR. BABCOCK: Yes.

MR. KRIEGER: If it were not a corner lot, would they need to be here?

MR. BABCOCK: Yes, he's actually increasing the corner lot from Shaw Road, his existing house is 16 foot, he's actually going since it's on a diagonal 22 feet away so he's increasing that setback, he could maintain that 16 feet if he wanted to so that's why there's no variance required there.

MS. GANN: Will you be closer to the road than any of your other neighbors, the front of the home will it be any closer?

MR. VITALE: Not on Shaw Road, there is a house further down the street closer to the road.

MR. BABCOCK: It appears that the existing front porch, you know, that sticks out maybe, do you know what size that is, the existing front porch, it's got to be 8, 8 or 10.

MR. VITALE: Wide, I think it's 8.

MR. BABCOCK: Eight feet wide so really they're only going to go out another 4 feet.

MS. LOCEY: So that's coming down?

MR. BABCOCK: No, no, but right now their house, the setback is from the house, they have an existing porch on the house now that I assume was built with the house so they're really were saying they're coming out 12 feet but they're really only coming out 4 feet from the existing front.

MR. LUNDSTROM: Front yard variance is off Bull Road?

MR. BABCOCK: Yes.

MR. LUNDSTROM: So should that motion read requesting a 12 foot front yard variance or should that be amended to include just the difference between the existing porch on what they're proposing?

MR. BABCOCK: No, we're going to do the 12 foot variance so this makes everything no matter it was legal or not it is now cause apparently this house was built before zoning to be 9 foot off Shaw Road, there is no way it was built conforming to any standards.

MR. VITALE: I think 1874.

MR. BABCOCK: So that's--

MR. LUNDSTROM: When I was a young whippersnapper.

March 13, 2006

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Madam Chairman, I'd like to make a motion then.

MS. GANN: Yes.

MR. LUNDSTROM: That we basically approve the application for Norman Vitale's request for 12 foot front yard setback for proposed addition on a corner lot on 3 Shaw Road in an R-1 zone, section, block and lot 53-3-4 and approve it to go on to public hearing.

MS. LOCEY: I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MS. GANN	AYE



RESULTS OF Z.B.A. MEETING OF: April 18, 2006

PROJECT: Norman Vitale ZBA # 06-12
P.B.#

P.B.# _____

USE VARIANCE: **NEED: EAF** _____ **PROXY** _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y N

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M)_____S)_____ VOTE: A_____N_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓
VARIANCE APPROVED: M(GARRS)TON VOTE: A 5 N O.

GANN	A
LUNDSTROM	A
LOCEY	A
TORPEY	A
KANE	A

CARRIED: Y ☒ N ☐

[illegible]

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

AFFIDAVIT OF SERVICE BY MAIL


X

MYRA L. MASON, being duly sworn, deposes and says:

That on the 24TH day of MARCH, 2006, I compared the 30 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason
Myra L. Mason, Secretary

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006


Notary Public

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

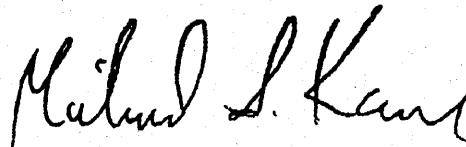
Appeal No. 06-12

Request of NORMAN VITALE

for a VARIANCE of the Zoning Local Law to Permit:

Request for 12 ft. Front Yard Setback for proposed addition on a corner lot at 3 Shaw Road in an R-1 Zone (53-3-4)

PUBLIC HEARING will take place on APRIL 10, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman

3/28/06 Publication
P.O. # 44355



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

March 24, 2006

Norman Vitale
3 Shaw Road
Rock Tavern, NY 12575

SUBJECT: REQUEST FOR VARIANCE #06-12

Dear Mr. Vitale:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The charge for publication in the Sentinel will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

3 Shaw Road
Rock Tavern, NY

is scheduled for the APRIL 10, 2006 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

March 23, 2006

Norman Vitale
3 Shaw Road
Rock Tavern, NY 12575

Re: 53-3-4 ZBA#: 03-12 (30)

Dear Mr. Vitale:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

52-1-37

Washingtonville Soccer Club
Box 24
Washingtonville, NY 10992

53-2-2.3

Donald & Arlene Laurencell
312 Bull Road
Rock Tavern, NY 12575

53-2-4

Wilma Joyce
21 Carpenter Road
Rock Tavern, NY 12575

53-3-1

Roger Smith
P.O. Box 123
Rock Tavern, NY 12575

53-4-18

Dean & Dawn Romer
22 Carpenter Road
Rock Tavern, NY 12575

55-1-53.1

Joseph & Deborah Migliorini
305 Bull Road
Washingtonville, NY 10992

55-1-53.23

County of Orange
255-275 Main Street
Goshen, NY 10924

55-1-55.2

John Lyall
289 Bull Road
Washingtonville, NY 10992

56-1-13

Veronica Molfetas
c/o George Miller & Sons
24 Sands Station Road
P.O. Box 845
Middletown, NY 10940

56-1-16

Barbara Perrone
Susan Giannico
300 Bull Road
Washingtonville, NY 10992

52-1-68

Bernard & Rosemarie Kahn
14 Oak Hill Drive
Rock Tavern, NY 12575

53-2-2.4

Fred & Grace DiDonato
310 Bull Road
Rock Tavern, NY 12575

53-2-5

Craig & Evelyn Levine
19 Carpenter Road
Rock Tavern, NY 12575

53-3-2

Jean Lewis
15 Shaw Road
Rock Tavern, NY 12575

53-4-19

Neil Christman
24 Carpenter Road
Rock Tavern, NY 12575

55-1-53.21

Joseph & Marie Beneducci
6 Hampshire Drive
Washingtonville, NY 10992

55-1-53.24

Margaret DeFreese
301 Bull Road
Washingtonville, NY 10992

55-1-55.3

Raymond & Lisa Cassidy
21 Shaw Road
Rock Tavern, NY 12575

56-1-14

Rueben & Deborah DeFreese
292 Bull Road
Washingtonville, NY 10992

56-1-17

Gennaro & Antonietta Acierno
304 Bull Road
Washingtonville, NY 10992

52-1-69

Deborah & Gilbert Lester, Jr.
18 Oak Hill Drive
Rock Tavern, NY 12575

53-2-3

Phillip & Joyce DeFreese
12 Shaw Road
Rock Tavern, NY 12575

53-2-6

Michael Buck
17 Carpenter Road
Rock Tavern, NY 12575

53-3-3

Elease Hull
c/o Debra Hull-Robinson
11 Sunlight Hill
Yonkers, NY 10704

53-4-21

Jason Pierro
18 Shaw Road
Rock Tavern, NY 12575

55-1-53.22

Marie Wahlbon
281 Bull Road
Washingtonville, NY 10992

55-1-55.1

Laura & Joseph Zaccaro, Jr.
283 Bull Road
Washingtonville, NY 10992

56-1-12

Anthony & Evelyn Feliciano
280 Bull Road
Washingtonville, NY 10992

56-1-15

Edmund Huston
296 Bull Road
Washingtonville, NY 10992

56-1-18

Anthony & Colleen Fay
308 Bull Road
Washingtonville, NY 10992

2BA - #06-12 application Fee

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#212-2006

03/17/2006

Vitale, Norman
3 Shaw Road
Rock Tavern, NY 12575

Received \$ 50.00 for Zoning Board Fees, on 03/17/2006. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 03-11-06

FOR: 03-12 ESCROW

FROM:

CHECK FROM:

Norman Vitale
3 Shaw Road
Rock Tavern, NY 12575


SAME

CHECK NUMBER: 2620

TELEPHONE: 496-2703

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:


NAME

3.17.06
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



RESULTS OF Z.B.A. MEETING OF: March 13, 2006

PROJECT: Norman Vitale ZBA # 06-12
P.B.#

P.B.# _____

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N

PUBLIC HEARING: M)_____ S)_____ VOTE: A_____ N_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N

NEGATIVE DEC: M) _____ S) _____ VOTE: A N

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y N

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Lu S) Lo VOTE: A 3 N 0

GANN
LUNDSTROM
LOCEY
~~TORREY~~
~~KANT~~

CARRIED: Y ☒ N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____
VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____.

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y_____N_____.

[illegible]

TOWN OF NEW WINDSOR

REQUEST FOR NOTIFICATION LIST

DATE: 03-17-2006 PROJECT NUMBER: ZBA# 03-12 P.B. #

APPLICANT NAME: NORMAN VITALE

PERSON TO NOTIFY TO PICK UP LIST:

Norman Vitale
3 Shaw Road
Rock Tavern, NY 12575

TELEPHONE: 496-2703

TAX MAP NUMBER:	SEC. <u>53</u>	BLOCK <u>3</u>	LOT <u>4</u>
	SEC. <u> </u>	BLOCK <u> </u>	LOT <u> </u>
	SEC. <u> </u>	B LOCK <u> </u>	LOT <u> </u>

PROPERTY LOCATION: 3 SHAW ROAD
ROCK TAVERN

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD:

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET)

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET)

AGRICULTURAL DISTRICT:
 (ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
 OF SITE PLAN OR SUBDIVISION PROJECT)

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 2662

TOTAL CHARGES:



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

2-15-06

Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: (845) 496-2703

Fax Number: ()

Norman J. Vitale
(Name)

3 Shaw Rd Rock Tavern, NY 12575
(Address)

II. Applicant:

Kimberely Vitale

Phone Number: (845) 496-2703

Fax Number: ()

(Name)

3 Shaw Rd Rock Tavern NY 12575
(Address)

III.

Forwarding Address, if any, for return of escrow: Phone Number: ()

Fax Number: ()

(Name)

Same as above
(Address)

IV.

Contractor/Engineer/Architect/Surveyor/:

Phone Number ()

Fax Number: ()

(Name)

(Address)

V.

Property Information:

Zone: R-1 Property Address in Question: 3 Shaw Rd

Lot Size: 34 acres Tax Map Number: Section 53 Block 3 Lot 4

a. What other zones lie within 500 feet?

b. Is pending sale or lease subject to ZBA approval of this Application? NO

c. When was property purchased by present owner? YES

d. Has property been subdivided previously? NO If so, When:

e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? NO

f. Is there any outside storage at the property now or is any proposed? YES

****PLEASE NOTE:****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.	45'	33'	12'
Reqd. Side Yd.			
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Due to the increase of our family - we are requesting the variance to increase the bedroom sizes to accommodate 3 children - 2 girls in larger room & 1 boy in the smaller room. By going out towards the front of the house, it would be less footage ~~to~~ from the road, rather than going towards the back of the house because of the angle of the house. Also the septic is located in the back of the house, therefore restricting work in the back of the house.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

We will be cutting trees & shrubs on front & side property to increase the line of visibility on corner.

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

21st day of FEBRUARY 2006

Norman J. Vitale
Owner's Signature (Notarized)

Daniel J. Doellinger
Notary Public State of New York
#01008082301 - Orange County
Commission Expires November 1, 2008

Norman J. Vitale
Owner's Name (Please Print)

DJ Doellinger
Signature and Stamp of Notary

Norm Vitale
Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

3/13



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO **"THE TOWN OF NEW WINDSOR"** AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT **AVAILABLE** AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW
 IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME

06-12

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP. **BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING.** YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.